

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: ) CASE NO: 11-40243-659 Chapter 13  
GARY MCMULLIN )  
JANELLA K MCMULLIN ) Trustee's Objection to Confirmation  
Debtor(s) ) Original confirmation hearing  
Debtor(s) ) set for Mar 03, 2011 11:00 AM

**TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN**

**COMES NOW** John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. Proposed plan payment does not constitute debtor's best effort to repay creditors. 11 U.S.C. Secs. 1325(a)(3) & (b)(1)(B)
2. The attorney fees to be paid under paragraph 4 plus the fees paid prior to filing exceed \$2000.
3. The plan pays attorney fees in excess of that owed per the 2016(b) form.
4. The plan is not proposed in good faith (11 U.S.C. Sec. 1325(a)(3)) because: PLAN REPAYS LOANS SECURED BY TWO VEHICLES AND A HARLEY FOR TWO DRIVERS. TOTAL PAYMENTS ARE \$1214.
5. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:  
5A REPAY PERIOD IS 0.
6. RE #1 B22C INCLUDES PAYMENT ON HARLEY NOT NEEDED FOR REORGANIZATION. PLAN MUST GUARANTEE \$14,940.

**WHEREFORE** the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

Copy served on the following either  
through the Court's ECF system or by  
ordinary mail on February 10, 2011 :

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